



Date: 4 September 2020

## REQUEST FOR QUOTATION RFQ N° UNFPA/THA/RFQ/20/002

Dear Sir/Madam,

UNFPA hereby solicits a quotation for the following service:

### **“Provision of lawyer service for Tax Rebate and Reduction after Donation”**

UNFPA requires the provision of the “Provision of lawyer service for Tax Rebate and Reduction after Donation” as specified in the Term of Reference (ToR).

This Request for Quotation is open to all legally-constituted companies that can provide the requested services and have legal capacity to perform to The United Nations Population Fund (UNFPA), 4th Floor United Nations Service Building, Rajdamnern Nok Avenue, Bangkok, 10200 Thailand in the country, or through an authorized representative.

#### **I. About UNFPA**

UNFPA, the United Nations Population Fund (UNFPA), is an international development agency that works to deliver a world where every pregnancy is wanted, every child birth is safe and every young person’s potential is fulfilled.

UNFPA is the lead UN agency that expands the possibilities for women and young people to lead healthy sexual and reproductive lives. To read more about UNFPA, please go to: [UNFPA about us](#)

#### **II. Term of Reference (ToR)**

##### **Background:**

Guided by the 1994 Programme of Action of the International Conference on Population and Development (ICPD), the United Nations Population Fund (UNFPA) partners with governments, civil society and other agencies to accomplish its mission, which aims to promote the rights of every woman, man and child to enjoy a life of health and equal opportunity and supports countries in using data for policies and programmes to reduce poverty and to ensure that every pregnancy is wanted, every childbirth is safe, and every young person’s potential is fulfilled.

The UNFPA Global Strategic Plan (SP) 2018-2021 provides a framework for UNFPA programming at all levels of the organization. Under the current SP, sexual and reproductive health and rights (SRHR) have been placed at the centre of the work of the organization with the overall goal of achieving universal access to sexual and reproductive health, the realization of reproductive rights, and the reduction of maternal mortality through an enhanced focus on family planning, maternal health and HIV/AIDS.

Over the past decade, the global financial crisis, the subsequent slow recovery of economies and competing humanitarian priorities around the globe had a profound impact on ODA flows. Development and humanitarian organizations in middle income countries are facing the additional challenge of increasing their non-core resources in an environment where traditional donors are reducing their level of support. This changing context has impacted the United Nations approach towards resource



mobilization and increasingly, the focus is shifting towards identifying non-traditional sources of funding and financing.

Consequently, UNFPA in Asia and the Pacific has been working towards deepening and broadening its donor base including partnerships with the private sector, foundations and individual donors. Across the region, there is now a significant number of partnerships with non-traditional donors on humanitarian and development initiatives.

UNFPA's programme in Thailand began in 1974 with the establishment of the country office. Over the past decade, with Thailand's transition to an upper middle income country, UNFPA Thailand's primary funding support has come from its core budget. In this changing funding landscape, it is crucial for UNFPA to look for internal sources of incomes within Thailand to continue its commitment with the government, CSOs and right holders to improve health and well-being of Thai Population especially young people, vulnerable young people and elderly people as committed in the Sustainable Development Goals 3, 5 and 1.

UNFPA has been supporting and collaborating with the Thai Government for decades. The Government of Thailand recognizes UNFPA as an International Development Organisation and not a charitable organisation. Due to this status, UNFPA is unable to issue tax deductible certificates to individual and private sector donors in the country against their contributions. On the other hand, UN agencies such as UNICEF and UNHCR have both been granted this status thereby allowing them to generate significant in-country revenue through fundraising activities.

It is important to note that according to the 1992 Thai Tax and Revenue regulation for Charitable organisations, only the non-profit organisations localized and registered as Thai based foundations could undertake fundraising activities in public and receive donations from the private sector. In order to comply with this legal requirement, during the 80s, a numbers of international development organisations localized themselves to Thai based foundations i.e. Care International to Rak Thai Foundation etc. Consequently, individuals and corporates who donate to these charitable or non-profit organizations could also apply for a tax rebate based on certificates issued by these organisation.

UNFPA Thailand is now seeking the support of a legal expert to help the country office navigate the process of registering with the Thai Government as a charitable organisation/foundation. This consultancy will entail a review of the Thai laws related to the registration of charitable organisations and identification of a pathway towards receiving the status of a tax rebate certificate issuing organisation to people who make charitable contributions towards its work.

**Objective:**

"To review Thailand's laws pertaining to the registration of UNFPA Thailand Country Office as a charitable organization, and to support documents preparation and submission of the application with the relevant authority, thereby enabling UNFPA Thailand to issue tax-deductible certificates to individual and corporate donors in Thailand"

**Timeline:** 24 September – 15 December 2020

**Requirements:**

1. Review legal requirements by identifying relevant tax or revenue laws and regulations as well as related agencies to obtaining the status of a registered charitable organisation for UNFPA Thailand.



2. Describe the process and support in legal documents preparation for UNFPA Thailand to obtain approval from the relevant authority for tax-deductible/rebate benefits for public/private and individual donors. This includes a list of potential challenges and recommendations to mitigate the risks.
3. Submission of the application to the relevant authority and follow up on the final results.
4. Present findings and recommendations to UNFPA APRO and Thailand CO Partnership and Resource Mobilization teams.

**Deliverable required: A report composed of details on the following**

1. Provide a clear outline of the process and documents required for UNFPA Thailand to be registered as a Thai charitable organisation with tax-deductible benefits for individual and corporate donors.
2. Support in documents preparation, and mitigate the potential bottlenecks and challenges that UNFPA Thailand may face as well as suggest remedial actions.
3. Support in submission of the application to the Thai authority and follow up on the final approval results.

**The tentative timeline for this translation assignment is as follows:**

Timeline	Deliverables
24 September 2020	Start of assignment
16 October 2020	Submission of the first draft for UNFPA applications and documents to the Thai authority
15 November 2020	Submission of the final application for UNFPA to the Thai authority

**III. Questions**

Questions or requests for further clarifications should be submitted in writing to the contact person below:

Name of contact person at UNFPA:	<i>Doungdao Songphanich</i>
Tel N°:	<i>02-687 0134</i>
Email address of contact person:	<i>thailand.office@unfpa.org</i>

The deadline for submission of questions is **Friday 11<sup>th</sup> September 2020 at 17:00 hours, Bangkok time**. Questions will be answered in writing and shared will parties as soon as possible after this deadline.

**IV. Content of quotations**

Quotations should be submitted in a single email whenever possible, depending on file size. Quotations must contain:



a) **Technical proposal**, in response to the requirements outlined in the service requirements / TORs.

The Technical Bid should be concisely presented and structured in the following order to include, but not necessarily be limited to, the following information:

- Brief description of the firm and the firm's qualifications: providing information that will facilitate our evaluation of your firm/ institution's substantive reliability, such as catalogues of the firm and financial and managerial capacity to provide the services.
- Propose Team Structure: The composition of the team that you would propose to provide the assignment and the work task (including supervisory) which would be assigned to each. An organogram/ organization chart illustrating the reporting lines, together with a description of such organization of the team structure should support your Bid. Please also attach the curriculum vitae of the senior professional member of the team and members of the propose team.
- Proposed Approach, Methodology, Timing and Outputs: any comments or suggestions on the ToR, as well as your detailed description of the manner in which your firm would respond to the ToR.
- Copies of current certificates such as company registration certificate, VAT/ Tax Registration Certificate, etc.

b) **Price quotation**, to be submitted strictly in accordance with the price quotation form.

Both parts of the quotation must be signed by the bidding company's relevant authority and submitted in PDF format.

## V. Instructions for submission

Proposals should be prepared based on the guidelines set forth in Section IV above, along with a properly filled out and signed price quotation form, and are to be sent by email to Email address for bid submission at [thailand-bid tender@unfpa.org](mailto:thailand-bid tender@unfpa.org) no later than: **Friday 18<sup>th</sup> September 2020 at 17:00 hours. Bangkok Time.**

Please note the following guidelines for electronic submissions:

- The following reference must be included in the email subject line: **RFQ N<sup>o</sup> UNFPA/THA/RFQ/20/002 – Lawyer service**. Proposals, including both technical and financial proposals, that do not contain the correct email subject line may be overlooked by the procurement officer and therefore not considered.
- The total email size may not exceed **20 MB (including email body, encoded attachments and headers)**. Where the technical details are in large electronic files, it is recommended that these be sent separately before the deadline.
- Any quotation submitted will be regarded as an offer by the bidder and does not constitute or imply the acceptance of any quotation by UNFPA. UNFPA is under no obligation to award a contract to any bidder as a result of this RFQ.

## VI. Overview of Evaluation Process

The evaluation will be carried out in a two-step process by an ad-hoc evaluation panel. Technical proposals will be evaluated and scored first, prior to the evaluation and scoring of price quotations

### Technical Evaluation

Technical proposals will be evaluated based on their responsiveness to the service requirements /TORs listed in Section II and in accordance with the evaluation criteria below. <b>riteria</b>	[A] Maximum Points	[B] Points attained by Bidder	[C] Weight (%)	[B] x [C] = [D] Total Points
Technical approach, methodology and level of understanding of the objectives of the project	100		20%	
Work plan/time scales given in the proposal and its adequacy to meet the project objectives	100		20%	
Professional experience of the staff that will be employed to implement this assignment proving demonstrated expertise in Thailand's laws pertaining to the registration (CVs, etc.)	100		15%	
Specific experience and expertise relevant to Thailand's laws pertaining to the registration as a charitable organization, and to support documents preparation and submission of the application with the relevant authority, to issue tax-deductible certificates to individual and corporate donors in Thailand	100		30%	
Profile of the company and relevance to the Project	100		15%	
<i>Grand Total All Criteria</i>	500		100%	

The following scoring scale will be used to ensure objective evaluation:

Degree to which the Terms of Reference requirements are met based on evidence included in the Bid submitted	Points out of 100
Significantly exceeds the requirements	90 – 100
Exceeds the requirements	80 – 89
Meets the requirements	70 – 79
Partially meets the requirements	1 – 69
Does not meet the requirements or no information provided to assess compliance with the requirements	0



### Financial Evaluation

Price quotes will be evaluated only for bidders whose technical proposals achieve a minimum score of 70 points in the technical evaluation.

Price quotes will be evaluated based on their responsiveness to the price quote form. The maximum number of points for the price quote is 100, which will be allocated to the lowest total price provided in the quotation. All other price quotes will receive points in inverse proportion according to the following formula:

$$\text{Financial score} = \frac{\text{Lowest quote (THB)}}{\text{Quote being scored (THB)}} \times 100 \text{ (Maximum score)}$$

### Total score

The total score for each proposal will be the weighted sum of the technical score and the financial score. The maximum total score is 100 points.

$$\text{Total score} = 70\% \text{ Technical score} + 30\% \text{ Financial score}$$

### VII. Award Criteria

In case of a satisfactory result from the evaluation process, UNFPA intends to award a Professional Service Contract on a fixed-cost basis to the Bidder(s) that obtain the highest total score.

### VIII. Right to Vary Requirements at Time of Award

UNFPA reserves the right at the time of award of contract to increase or decrease by up to 20% the volume of services specified in this RFQ without any change in unit prices or other terms and conditions.

### IX. Payment Terms

UNFPA payment terms are net 30 days upon receipt of invoice and delivery/acceptance of the milestone deliverables linked to payment as specified in the contract.

### X. Fraud and Corruption

UNFPA is committed to preventing, identifying, and addressing all acts of fraud against UNFPA, as well as against third parties involved in UNFPA activities. UNFPA’s policy regarding fraud and corruption is available here: [Fraud Policy](#). Submission of a proposal implies that the Bidder is aware of this policy.

Suppliers, their subsidiaries, agents, intermediaries and principals must cooperate with the UNFPA Office of Audit and Investigations Services as well as with any other oversight entity authorized by the Executive Director and with the UNFPA Ethics Advisor as and when required. Such cooperation shall include, but not be limited to, the following: access to all employees, representatives agents and assignees of the vendor; as well as production of all documents requested, including financial records. Failure to fully cooperate with investigations will be considered sufficient grounds to allow UNFPA to repudiate and terminate the Agreement, and to debar and remove the supplier from UNFPA's list of registered suppliers.



A confidential Anti-Fraud Hotline is available to any Bidder to report suspicious fraudulent activities at [UNFPA Investigation Hotline](#).

**XI. Zero Tolerance**

UNFPA has adopted a zero-tolerance policy on gifts and hospitality. Suppliers are therefore requested not to send gifts or offer hospitality to UNFPA personnel. Further details on this policy are available here: [Zero Tolerance Policy](#).

**XII. RFQ Protest**

Bidder(s) perceiving that they have been unjustly or unfairly treated in connection with a solicitation, evaluation, or award of a contract may submit a complaint to the UNFPA Head of the Business Unit: Ms. Marcela Suazo, UNFPA Country Director for UNFPA Thailand, at [suazo@unfpa.org](mailto:suazo@unfpa.org). Should the supplier be unsatisfied with the reply provided by the UNFPA Head of the Business Unit, the supplier may contact the Chief, Procurement Services Branch at [procurement@unfpa.org](mailto:procurement@unfpa.org).

**XIII. Disclaimer**

Should any of the links in this RFQ document be unavailable or inaccessible for any reason, bidders can contact the Procurement Officer in charge of the procurement to request for them to share a PDF version of such document(s).



## PRICE QUOTATION FORM

<b>Name of Bidder:</b>	
<b>Date of the quotation:</b>	Click here to enter a date.
<b>Request for quotation №:</b>	UNFPA/THA/RFQ/20/002
<b>Currency of quotation :</b>	THB
<b>Delivery charges based on the following 2010 Incoterm:</b>	Choose an item.
<b>Validity of quotation:</b> <i>(The quotation must be valid for a period of at least 3 months after the submission deadline)</i>	

- Quoted rates must be **exclusive of all taxes**, since UNFPA is exempt from taxes.

Item	Description	Number & Description of Staff by Level	Hourly Rate	Hours to be Committed	Total (THB)
<b>1. Professional Fees</b>					
<i>Total Professional Fees</i>					
<b>2. Out-of-Pocket expenses</b>					
<i>Total Out of Pocket Expenses</i>					
<b>Total Contract Price</b> <i>(Professional Fees + Out of Pocket Expenses)</i>					

*Vendor's Comments:*

I hereby certify that the company mentioned above, which I am duly authorized to sign for, has reviewed RFQ UNFPA/THA/RFQ/20/002 including all annexes, amendments to the RFQ document (if applicable) and the responses provided by UNFPA on clarification questions from the prospective service providers. Further, the company accepts the General Conditions of Contract for UNFPA and we will abide by this quotation until it expires.

	Click here to enter a date.
Name and title	Date and place





United Nations Population Fund  
4th Floor United Nations Service Building,  
Rajdamnern Nok Avenue, Bangkok 10200  
E-mail: [thailand.office@unfpa.org](mailto:thailand.office@unfpa.org)  
Website: <http://thailand.unfpa.org>

**ANNEX I:**  
**General Conditions of Contracts:**  
**De Minimis Contracts**

This Request for Quotation is subject to UNFPA's General Conditions of Contract: De Minimis Contracts, which are available in: [English](#), [Spanish](#) and [French](#)